

REMARKS

In the application claims 59 and 63-68 remain pending. Claims 1-58 and 60-62 have been canceled without prejudice. The claims as amended find support in the specification as originally filed. No new matter has been added.

Pending claims 59 and 63-68 stand rejected under 35 U.S.C. § 103 as being unpatentable over Voltmer (U.S. Patent No. 7,398,225) in view of Cigliano ("The Price of Loyalty, The McKinsey Quarterly 2000 November 4"). The reconsideration of this rejection is respectfully requested.

In rejecting the claims, it has not been asserted that Voltmer discloses a system that provides a recurring cash value benefit to a most-valued customer that is selected from a plurality of consumers based on a retail store's gross profit margin on purchases made by individual ones of the plurality of consumers. Rather, Voltmer is relied upon for, at best, disclosing, a system in which benefits are provided to customers that purchase a predetermined amount or a predetermined number of times, i.e., frequent shoppers. (OA; pgs. 3 and 5). Accordingly, it is respectfully submitted that Voltmer cannot be said to anticipate the now narrowed claims and, for this reason, it is respectfully requested that the rejection under 35 U.S.C. § 102 be withdrawn.

Considering now Cigliano, while Cigliano may disclose providing customers that spend \$3000 annually with a rewards membership (pgs. 75 and 76), it is respectfully submitted that Cigliano, like Voltmer, fails to disclose, teach, or suggest providing a recurring cash value benefit to a most-valued customer that is selected from a plurality of consumers based on the retail store's gross profit margin on the purchases made by individual ones of the plurality of consumers. Accordingly, because Cigliano fails to disclose, teach, or suggest the claim elements

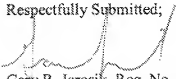
that are missing from Voltmer, it is respectfully submitted that the combination of Voltmer and Cigliano cannot be said to present a *prima facie* case of obviousness. For at least this reason, it is respectfully submitted that the rejection of the claims under 35 U.S.C. § 103 must be withdrawn.

CONCLUSION

It is respectfully submitted that the application is in good and proper form for allowance. Such action on the part of the Examiner is respectfully requested.

Date: March 25, 2010

Respectfully Submitted;

By:  Gary R. Jarosik, Reg. No. 35,906
Greenberg Traurig, LLP
77 West Wacker Drive, Suite 2500
Chicago, Illinois 60601
(312) 456-8449

CHI 59,367,978v1